

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-090551

02/24/2011

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT
C. Gauna
Deputy

IN RE THE MATTER OF
TAMMY ALDERMAN

MARK W HAWKINS

AND

JAMES ALDERMAN

JAMES ALDERMAN
1464 S STAPLEY DR #1049
MESA AZ 85204

TRIAL RESET

The Court has received and reviewed the Accelerated Motion for Continuance with Consent filed by Respondent on February 22, 2011. Based thereon,

IT IS ORDERED resetting the Trial from February 28, 2011 at 2:00 p.m. to June 30, 2011 at 10:00 a.m. (Time allotted: 2 hours) before the Honorable Benjamin Norris, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona, 85210. Due to the judicial rotation scheduled to occur in June, 2011, this represents a change in judicial assignment and both parties are on notice thereof in accordance with Rule 6 of the Arizona Rules of Family Law Procedure and Rule 42 of the Arizona Rules of Civil Procedure.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every

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witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to Judge Norris' Clerk in Courtroom 404 **no later than 12:00 p.m. on Wednesday, June 22, 2011 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 304 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party shall submit proposed findings of fact and conclusions of law to this Division by no later than June 22, 2011.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before June 16, 2011.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than June 16, 2011.
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

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IT IS FURTHER ORDERED that Counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this Division by no later than June 22, 2011. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt".
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.